

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-701-DCK**

**MARSHALL O. LOWERY,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** regarding “Plaintiff’s Motions In *Limine*” (Document No. 68); Defendant’s “Motion For Order Declaring Continued Enforcement Of Original Trial Subpoena, Or In The Alternative, Motion For Order To Compel” (Document No. 70); and the “United States’ Motion In Limine” (Document No. 71). The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of these motions is appropriate. Having carefully considered the motions and the record, the undersigned will deny the motions as moot.

The undersigned notes that the parties filed a joint “Notice Of Settlement” (Document No. 84) on May 17, 2019, reporting that they had reached a settlement agreement resolving all issues to be determined by a jury in a trial scheduled for May 20, 2019. The Court subsequently cancelled the trial scheduled to begin on May 20, 2019. See (Document No. 85). The undersigned commends the parties and their counsel’s efforts to resolve this matter.

Based on the foregoing, the undersigned finds that the pending motions should be denied as moot.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motions In *Limine*" (Document No. 68) is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that Defendant's "Motion For Order Declaring Continued Enforcement Of Original Trial Subpoena, Or In The Alternative, Motion For Order To Compel" (Document No. 70) is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the "United States' Motion In Limine" (Document No. 71) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: May 20, 2019

  
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David C. Keesler  
United States Magistrate Judge

